IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.106 OF 2006
IN
FAMILY COURT APPEAL NO.103 OF 2006

Shubhangi Hanumant Mane ..Applicant

Vs.

Hanumant Vasant Mane ..Respondent

...

Mr.Ashok G.Toraskar Advocate for applicant

...

CORAM: S.B.MHASE &
SMT.V.K.TAHILRAMANI,JJ.

DATE : JANUARY 09, 2007

P.C.

1. Heard Mr.Toraskar, the learned counsel for the applicant. The learned counsel for the respondent is absent.

2. This is a civil application for restraining the respondent-husband from remarrying pending the hearing and final disposal of Appeal. It is also prayed for further directions that the maintenance be granted to the applicant and the children at the rate of Rs.1500/- per month to each of them pending the appeal and that the payment of rent of premises,

be granted.

3. So far as the injunctions prohibiting the re-marriage of the respondent-husband is concerned, it cannot be granted because he has already re-married and affidavit to that effect has been filed on record coupled with the photographs. Therefore, the prayer (a) is rejected.

4. So far as the order of maintenance is concerned, the trial Court has granted the maintenance at the rate of Rs.500/- per month to the wife and Rs.700/- per month to each of the children. The learned counsel for the applicant tried to pursuade us that it will be appropriate to grant maintenance at the rate of Rs.1500/-, however, nothing has been brought on record to demonstrate the income of the respondent-wife when more specifically, it was the obligation of the applicant to demonstrate that the quantum of maintenance fixed by the trial Court and/or Family Court is unjust and/or inappropriate in the facts and circumstances of the case. Further, it appears that no material by way of prima facie evidence has been placed before the trial

Court. Even in the civil application, no material has been placed on record so that we can afresh consider the case of the applicant. So far as the rent is concerned, the rent receipts are not produced on record.

4. In the result, there is no evidence to enhance the amount of interim alimony during the pendency of the appeal. Therefore, the civil application is without any merit and it is rejected accordingly.

[SMT.V.K.TAHILRAMANI,J.] [S.B.MHASE, J.]